

Notice of Allowability**Application No.**

10/735,146

Applicant(s)

KUMAR ET AL.

Examiner

MICHAEL J. MOORE, JR.

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/28/08.
2. ☒ The allowed claim(s) is/are 1,4-12 and 14-26 (renumbered 1-23, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Michael J. Moore, Jr./
Examiner, Art Unit 2419

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cory G. Claassen (Reg. No. 50,296) on 10/17/08.

The application has been amended as follows:

In claim **21**, on line 1, replace word "computer" with --machine--.

In claim **22**, on line 1, replace word "computer" with --machine--.

In claim **23**, on line 1, replace word "computer" with --machine--.

In claim **24**, on line 1, replace word "computer" with --machine--.

In claim **25**, on line 1, replace word "computer" with --machine--.

In claim **26**, on line 1, replace word "computer" with --machine--.

Response to Amendment

Applicant's amendments to claims **17-26** to obviate the rejections under 35 U.S.C. § 112, 1st and 2nd paragraphs provided in the previous Office Action are proper and have been entered. These rejections have been withdrawn. Specifically, although the specification does not provide a further definition of the claimed "machine-accessible medium that stores instructions", it has been treated as being directed to statutory subject matter, i.e. ROM, RAM, other physical memory, etc., for examination purposes.

Allowable Subject Matter

2. Claims **1, 4-12, and 14-26** (*renumbered 1-23, respectively*) are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding *amended* claim **1**, this claim is now allowable for the reasons indicated in the previous Office Action pertaining to now cancelled claim **3**.

Regarding claims **4-8**, these claims are further limiting to claim **1** and are thus also allowable over the prior art of record.

Regarding claims **9-12 and 14-16**, these claims are allowable for the reasons indicated in the previous Office Action.

Regarding *amended* claim **17**, this claim is now allowable for the same reasons as provided for claim **9** in the previous Office Action.

Regarding claims **18-26**, these claims are further limiting to claim **17** and are thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Finn et al. (U.S. 6,578,105), Kasper (U.S. 6,526,451), and Etcheverry (U.S. 6,314,478) are other references considered pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. MOORE, JR., whose telephone number is (571)272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti K. Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Moore, Jr./
Examiner, Art Unit 2419